

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MATTHEW BELTON,

Plaintiff,

v.

COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,

Defendant.

Case No. 17-CV-809-JPS

ORDER

Plaintiff, Matthew Belton, filed a complaint in this matter and a motion for leave to proceed *in forma pauperis*. (Docket #1, #2). The Court may grant Plaintiff's motion to proceed *in forma pauperis* if it determines that: (1) Plaintiff is truly indigent and unable to pay the costs of commencing this action; and (2) Plaintiff's action is neither frivolous nor malicious. 28 U.S.C. §§ 1915(a), (e)(2).

As to the first requirement, the privilege to proceed without payment of costs and fees "is reserved to the many truly impoverished litigants who. . .would remain without legal remedy if such privilege were not afforded to them." *Brewster v. N. Am. Van Lines, Inc.*, 461 F.2d 649, 651 (7th Cir. 1972). In his motion for leave to proceed *in forma pauperis*, Plaintiff made statements about his income, expenses, and assets under oath. (Docket #2). He avers that he has a monthly income of \$750, lives in a rented residence at a cost of \$215 per month, owns a car worth approximately \$1,800, has less than \$50 in a bank account. *Id.* at 2–3. Documents submitted in connection with his complaint reveal that his monthly expenses other than rent, including utilities and debt payments, total over \$500. (Docket

#1-1 at 2-4). Given that his monthly expenses appear to exceed his income, the Court is satisfied that Plaintiff is indigent and cannot afford the filing fee.

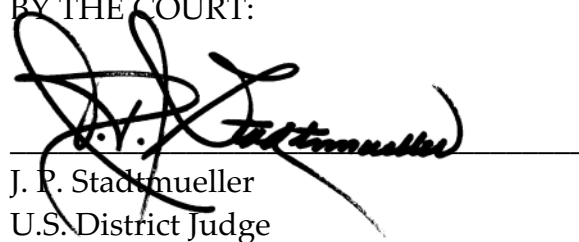
Plaintiff's action also is not frivolous or malicious. Plaintiff submitted a complaint which includes allegations that the administrative law judge ("ALJ") erred in reaching a decision. (Docket #1 at 3). If that contention is true, then the Court will be obliged to vacate the ALJ's decision. Thus, Plaintiff's action is neither frivolous nor malicious.

Accordingly,

IT IS ORDERED that Plaintiff's motion for leave to *proceed in forma pauperis* (Docket #2) be and the same is hereby **GRANTED**.

Dated at Milwaukee, Wisconsin, this 12th day of June, 2017.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J. P. Stadtmueller", is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.

J. P. Stadtmueller
U.S. District Judge